

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks.

Claim Rejection under 35 U.S.C. § 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Response to Rejection of Claims 1-72 under 35 U.S.C. § 103(a) – Eilbacher in view of Garrido

The Office has rejected claims 1-72 under 35 U.S.C. 103(a) as being unpatentable over Eibacher et al. (Eibacker) [sic], (US 6,959,078) 25 October 2005, in view of Garrido (Southeast Asia; Call it a boom: Philippine call centers; Internet printout; 4 pages; 04/22/2003).

Applicant respectfully points out that according to the MPEP §2142, "to establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1st there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings;

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

- 2nd there must be a reasonable expectation of success;
- 3rd the prior art reference (or references when combined) must teach or suggest all of the claim limitations."

These criteria have not been met by the Office's rejection of Applicant's claims 1-72.

The Office states on pp 2-3:

"Claims 1-72. Eilbacker et al. teaches a method, system and computer-readable medium having instruction embedded therein for causing a computer to implement said method for analyzing a call agent performance, comprising:

receiving a storable representation of a service call between an agent of a business and customers wherein the business is located in a first geographic area (C. 5, L. 10-17);

analyzing the storable representation, in a second geographic area (a quality management system 30 is located remotely from the customers and agents) to determine the service quality provided to a customer by the agent (C. 5, L. 10-17; C. 8, L. 7-37);

generating report data associated with the analyzing (C. 5, L. 15).

While Eilbacker et al. teaches that said quality management system 30 can be located anywhere in the world, Eilbacker et al. does not teach that said second geographic area is subject to a wage attenuator; and that wage attenuation is utilized to reduce a cost of analyzing the service call in the second geographic area relative to the cost of analyzing the call in the first geographic area.

Garrido discloses a practice of outsourcing various jobs in the countries, having lower wages. Specifically, India and Philippine were discussed as the countries were local citizens are paid much less then workers doing same job in the USA (See first and third pages).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Eilbacker et al. to include that said second

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

geographic area is subject to a wage attenuator; and that wage attenuation is utilized to reduce a cost of analyzing the service call in the second geographic area relative to the cost of analyzing the call in the first geographic area, as disclosed in Garrido, because it would advantageously allow to save funds and decrease the turnover rate for call centers, as specifically stated in Garrido.

Furthermore, Eilbacher et al. discloses notifying the agent of the results of the analysis, including displaying warning and congratulatory messages (C. 4, L. 37-44)."

Office Action, January 16, 2007, pages 2-3.

Eilbacher states at Column 5, lines 10-17:

"The present invention is also directed to a method for displaying contact center information, including recording data associated with one or more communications with a contact center, wherein the *recording* is *based on* one or more *recording rules*; comparing the recorded data against predetermined contact center parameters; displaying messages to contact center personnel, reporting contact center activity as compared against the parameters; and storing said displayed messages."

Eilbacher, Column 5, lines 10-17 (emphasis added).

Eilbacher states at Column 8, lines 7-37:

"Contact center monitors, supervisors, clients, and third party reviewers (hereinafter collectively referred to as "users") alike can access the communication information via the Internet for recreation of the entire communication/transaction. Contact center clients therefore have the ability to directly evaluate communications made by their customers and to distribute these communications within their respective organization for further evaluation and review. As a result of the present invention, access to contact center transactional data is no longer limited by the number of monitor workstations 112' connected to the system because, with the present invention, any number of Internet-accessible users with proper authorization and a multimedia playback browser can query the data anytime, from anywhere.

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

A key feature of the present invention is the ease of remote access to the data by users. The user is no longer restricted to the proprietary equipment and software of a telephone call center to conveniently and economically access the full wealth of information that is recorded and subsequently made available for review and analysis by the present open storage portal operating with the communication contact center. The user has the option of selecting particular transactions to review, such as all calls for a particular client, for a particular product, to a particular agent, during a particular time frame, etc. In this manner, the users have web-based browser access to the full range of contact center data from anywhere in the world and are not constrained by a requirement for proprietary hardware and software in network proximity to the contact center.

Eilbacher, Column 8, lines 11-37.

Applicant submits that Eilbacher does not teach all of Applicant's claim limitations.

Neither does Eilbacher in view of Garrido teach all of Applicant's claim limitations.

Eilbacher only records certain contact center data, "wherein the recording is based on one or more recording rules." Eilbacher, Column 5, Lines 13-14. Thus, Eilbacher presents a filter to the contact center data. Eilbacher does not teach, as does Applicant in claim 18: "receiving a storable representation of an interaction between an agent of a business and customers wherein the business is located in a first geographic area." Eilbacher teaches away from Applicant's invention by imposing rules on what recordings are actually available for recording and display. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Independent Claims 18, and 54 – Eilbacher in view of Garrido

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

With respect to Applicant's amended claims 18 and 54, Eilbacher does not teach, as Applicant teaches:

"providing the storable representation to an analyst, in the second geographic area, to determine service quality provided to a customer by the agent wherein the second geographic area is subject to a wage attenuator and the analysts has been trained to provide a calibrated determination of service quality."

Eilbacher teaches:

"Periodically, the recorded communications data and stored environmental data is analyzed by the system. Based on the analysis, the set of *recording rules* that is actively controlling the recording of the communication data may be changed by the system." Eilbacher, Column 4, Lines 33-35 (emphasis added).

Eilbacher's recording rules merely specify which calls are recorded by the "automated" system. Eilbacher does not teach how to obtain a calibrated determination of service quality which is provided by an analyst. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Additionally, with respect to Applicant's amended claims 18 or 54, Eilbacher does not teach, as Applicant teaches: "generating report data associated with the calibrated determination of service quality." Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

Applicant's Claims 6-8, 21-23, 30-32, 45-47, 57-58, 61-63, and 67 – Eilbacher in view of Garrido

The Office points out (Office Action, Page 3, Paragraph 4) that Eilbacher "discloses notifying the agent of the results of the analysis, including displaying warning and congratulatory messages":

Eilbacher states at Column 5, lines 15:

..... displaying messages to contact center personnel,...

Eilbacher, Column 5, lines 15

Eilbacher states at Column 4, lines 37-44:

Also as a result of the analysis, displayed messages may be projected onto contact center-wide displays, agent workstation displays, and supervisor workstation displays. The displayed information may range from daily contact center statistics, to a warning that a incoming call queue has an excessive wait time, to a congratulatory message to an agent who has exceeded a particular contact center performance standard.

Eilbacher, Column 4, lines 37-44

Such notifications by Eilbacher to an Agent are not equivalent to Applicant's claims 6-8, 21-23, 30-32, 45-47, 57-58, 61-63, and 67. Eilbacher does not teach a calibrated determination by an analyst of a quality of service rendered by an agent during a customer-agent interaction. Nor does Eilbacher teach an analysis, by an analyst, of a customer-agent interaction that embraces the scoring parameters shown in Figure 2B and 2C of Applicant's specification. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

Applicant's Independent Claims 1, 25, 42, 49, 64, and 69 – Eilbacher in view of Garrido

As noted above, Eilbacher does not teach "a calibrated determination of the quality of service rendered by the agent." Therefore, Eilbacher does not render obvious what Applicant has claimed. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 4, 5, 20, 28, 29, 43, 50, 52, 55, 60, and 65 – Eilbacher in view of Garrido

Eilbacher does not teach an analyzing frequency of "at least once per day," "at least one call per day" or greater being applied to an agent's interactions or calls. Eilbacher teaches away from applying such an analysis frequency to an agent by virtue of Eilbacher's automated change of "recording rules." Thus, Eilbacher would not enable Applicant's invention, but would in fact prevent the enablement. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 17, 24, 41, 48, 53, 59, 68 – Eilbacher in view of Garrido

Eilbacher does not teach transferring "a debit or a credit" in exchange for a calibrated determination of "service quality." Neither does Garrido cure this defect. Finally,

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 2-3, 9-16 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 1, Eilbacher does not disclose a limitation of claim 1 upon which claims 2, 3, 9, 10, 11, 12, 13, 14, 15, or 16 depend. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claim 19 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 18, Eilbacher does not disclose a limitation of claim 18 upon which claim 19 depends. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 26-27, 33-40 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 25, Eilbacher does not disclose a limitation of claim 25 upon which claims 26-27, 33-40 depend. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

Applicant's Claim 44 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 42, Eilbacher does not disclose a limitation of claim 42 upon which claim 44 depends. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claim 51 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 49, Eilbacher does not disclose a limitation of claim 49 upon which claim 51 depends. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 56 and 60 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 54, Eilbacher does not disclose a limitation of claim 54 upon which claims 56 and 60 depend. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claim 66 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 64, Eilbacher does not disclose a limitation of claim 64 upon which claim 66 depends. Neither does Garrido cure

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

Applicant's Claims 70-72 – Eilbacher in view of Garrido

As noted above in the discussion of independent claim 69, Eilbacher does not disclose a limitation of claim 69 upon which claims 70-72 depend. Neither does Garrido cure this defect. Finally, the combination of Eilbacher in view of Garrido fails to disclose or make obvious what Applicant has claimed.

The cited art of record, either singly or in combination, does not teach all of Applicant's claim elements. Therefore, the Office has failed to make out the required *prima facie* case of obviousness required to sustain a 35 U.S.C. 103(a) rejection and the rejection should be withdrawn.

Appl. No. 10/691,777
Response dated July 16, 2007
Reply to Office Action of 01/16/2007

CONCLUSION

Claims 1, 18, 25, 42, 49, 54, 64, and 69 have been amended.

Claims 73, 74, 75, and 76 are new.

Applicant respectfully submits that all claims are in condition for allowance and requests such.

Communication via cleartext email is authorized.

Respectfully submitted,
PELOQUIN, PLLC

July 16, 2007
Date

Mark S. Peloquin, Esq.
Mark S. Peloquin, Esq.
USPTO Registration # 50,787

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted herewith via facsimile transmission to Telephone No. (571) 273-8300 on the date indicated below and is addressed to: Mail Stop AMENDMENT, Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450.

Date of Deposit: 16 JULY 2007

Stephanie W. Roberts
(Typed or printed name of person transmitting paper or fee)


(Signature of person transmitting paper or fee)

16 JULY 2007
Date